

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGELO BENJAMIN YBARRA,

Defendant.

4:19CR3026

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture (Filing No. 51). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On July 24, 2019, defendant Angelo Benjamin Ybarra, agreed to waive indictment by a grand jury, enter a plea of guilty to an Information, and admit to the Forfeiture Allegation. (Filing Nos. 40 and 34). The parties agreed the amount of money to be forfeited is \$15,867.01 U.S. currency.

2. By virtue of said plea of guilty, defendant forfeited any interest in the \$15,867.01 U.S. currency.

3. The United States is entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

5. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Motion for Preliminary Order of Forfeiture is hereby granted.

B. Based upon defendant's plea of guilty to the Forfeiture Allegation of the Information, the United States is hereby authorized to seize the \$15,867.01 U.S. currency.

C. Defendant's interest in the currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The United States shall hold the currency in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the currency.

F. Pursuant to 21 U.S.C. § 853(n)(2), notice shall provide that any person, other than the defendant having or claiming a legal interest in any of the currency must file a petition with this Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the currency and any additional facts supporting the petitioner's claim and the relief sought.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 7th day of October, 2019.

BY THE COURT:

**s/ RICHARD G. KOPF, Senior
United States District Court Judge**